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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

LINDA SCHMIDT, an individual,  
Plaintiffs,  
vs.  
NEVADA CVS PHARMACY, LLC; a Nevada  
Limited Liability; ALYSHA RIZO, an individual;  
DOES 1 through 10, inclusive; and ROE  
CORPORATIONS 1 through 10, inclusive,  
Defendants.

CASE NO.: 2:19-cv-01687-GMN-BNW

State Court Case No.: A-19-800701

**STIPULATED DISCOVERY PLAN  
AND SCHEDULING ORDER**

**SPECIAL SCHEDULING REVIEW  
REQUESTED**

Pursuant to Federal Rule of Civil Procedure 26(f), ALL Defendants and Plaintiff, LINDA SCHMIDT, through their respective counsel, submit the following proposed Discovery Plan and Scheduling Order.

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1 STATEMENT OF REASONS FOR SPECIAL SCHEDULING REVIEW REQUEST  
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3 Counsel for the parties anticipate that discovery will be delayed because of the Coronavirus.  
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5 The Parties request that discovery not begin until August 31, 2020.

6 (1) Discovery Cut Off Date. The parties request the standard discovery period stated in LR  
7 26(b)(1) of eighteen months from the date of the Defendant Alysha Rizo's first appearance, which  
8 was March 10, 2020. Therefore, the parties request that the discovery period close on **September 8,  
2021.**

9 (2) Amending the Pleadings and Adding Parties. The date for filing motions to amend the  
10 pleadings or to add parties shall not be later than ninety (90) days prior to the close of discovery:  
11 **June 10, 2021.**

12 (3) Expert Witness Disclosures. The disclosure of any expert witnesses shall be made sixty (60)  
13 days before the discovery deadline: **June 10, 2021.** The disclosures of any rebuttal experts shall be  
14 due thirty (30) days after the initial disclosures of experts: **July 12, 2021** [July 10 being a Saturday].  
15 The requirements of F.R.C.P. 26(a) (2) (B) shall apply to any such disclosures.

16 (4) Dispositive Motions. Dispositive motions shall be filed not later than thirty (30) days after  
17 the discovery cut-off date: **October 8, 2021.**

18 (5) Pretrial Order. The Joint Pretrial Order shall be filed not later than thirty (30) days after the  
19 date set for filing dispositive motions: **November 30, 2021.** However, in the event that dispositive  
20 motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days  
21 after a decision on the dispositive motions or further order of the Court.

22 (6) Joint Interim Status Report The parties shall file a Joint Interim Status Report as required  
23 by LR26-3 no later than **August 3, 2021.**

24 (7) Rule 26(a) (3) Disclosures. The disclosures required by Rule 26(a) (3) and any objection  
25 thereto shall be included in the Pretrial Order.

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27 The parties will make their Initial Disclosures on or before **August 31, 2020.**

1       (8) Electronically Stored Information. The parties have undertaken efforts to retain any  
2 electronically stored information relevant to this matter and have agreed that, unless the requesting  
3 party asks for a definite and specific form, the party producing any electronically stored information  
4 need not provide such information in any certain form as long as the form provides the other party  
5 (ies) reasonable access to the information. The parties have further agreed that, to the extent any  
6 party seeks electronically stored information that would be cumulative, burdensome or unduly costly  
7 to produce, counsel for the parties will confer in good faith to reach a mutual agreement regarding  
8 the production of such information. The parties have further agreed that in the event a discovery  
9 request asks another party to search an electronic database or repository that the party making the  
10 discovery request shall supply the search terms that establish the parameters of the request.

11     (9) Protection of Privileged/Trial Preparation Materials. The parties do not anticipate that a  
12 protective order will be necessary.

13     (10) Subjects on Which Discovery Will be Conducted. The parties agree that discovery will be  
14 needed on the Plaintiff's claims, Defendants' denials and the affirmative defenses raised in the  
15 Answers. No changes should be made on the limitations of discovery imposed under Federal Rules  
16 of Civil Procedure or local rules.

17     (11) Alternative Dispute Resolution. The parties certify they have met and conferred about the  
18 possibility of using alternative dispute-resolution processes including mediation, arbitration and  
19 early neutral evaluation.

20     (12) Alternative Forms of Case Disposition. The parties certify they have considered consent to  
21 trial by a magistrate judge under 28 U.S.C. § 636(c) and Fed.R.Civ.P. 73 and the use of the Short  
22 Trial Program (General Order 2013-01).

23     (13) Electronic Evidence. The parties certify they have discussed whether they intend to present  
24 evidence in electronic format to jurors for the purposes of jury deliberations. Discussions between  
25 the parties will be ongoing as the trial date approaches and any electronic evidence will be presented  
26 in a format compatible with the court's electronic jury evidence display system.

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1 Discovery does not need to be conducted in phases or limited or focused on particular issues.  
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4 */s/ Burke Huber*  
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9 **IT IS ORDERED that ECF No. 25 is**  
10 **DENIED** without prejudice. The parties  
do not identify with any specificity why  
they cannot begin discovery for more  
than three months and why they will  
need over an additional year for  
discovery. The Court is sympathetic to  
the delays that COVID-19 has caused  
and is causing many parties. Still, the  
Court asks parties to move forward with  
their cases to the extent that they can in  
a safe manner.

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17 Accordingly, **IT IS FURTHER**  
**ORDERED** that the parties must file a  
18 new proposed discovery plan and  
19 scheduling order that complies with LR  
20 26-1 by 5/22/2020. The parties may  
21 seek up to an additional 60 days  
22 beyond the normal discovery period at  
this time (and if they cannot safely  
complete discovery in this period, they  
may seek extensions in the future).

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28 /s/ LeAnn Sanders

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*CVS Pharmacy, LLC*

IT IS SO ORDERED:

*Burke Huber*

UNITED STATES MAGISTRATE JUDGE

Dated: 5/13/2020